



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. 9004-1(b)

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Order Filed on January 17, 2024
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

IN RE:

JOSEPH A. DENOLA

Debtor

Case No.: 19-27068-SLM

Chapter 13

Judge: Stacey L. Meisel

Hearing date: 12/13/2023 at 10:00 AM

CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE
2013 BMW 3 Series Sedan 4D 328xi AWD 2.0L I4 Turbo

The relief set forth on the following pages, number two (2) and three (3) is hereby **ORDERED**.

DATED: January 17, 2024

Stacey L. Meisel
Honorable Stacey L. Meisel
United States Bankruptcy Judge

Debtor: Joseph A. DeNola

Case No.: 19-27068-SLM

Caption of Order: Consent Order Modifying Stay to Motor Vehicle

1. Came on for consideration the Motion for Relief from Automatic Stay (Doc. 71) filed by BMW Bank of North America, ("Movant"), in the above entitled and numbered case, regarding the 2013 BMW 3 Series Sedan 4D 328xi AWD 2.0L I4 Turbo, V.I.N. WBA3B5G50DNS05944 (the "Collateral"). The Court, having considered said Motion and agreement of counsel, is of the opinion that the following Stipulation should be entered.

a. **Debtor is to pay the Petition balance with Till interest rate in modified plan:** The parties stipulate that the Petition balance is \$10,546.16 with till interest rate of 7.50%. Within 30 days of entry of this Order, the Debtor must either (i) pay the Movant Petition balance with till interest rate; or (ii) file a proposed modification of the confirmed plan to add the Petition balance with till interest rate in the plan. If the Debtor fails to file a modification or pay the Petition balance with till interest rate and fails to do either, it is Final Default under this order.

2. Debtor will be in default under the Consent Order in the event that Debtor fails to comply with the payment terms and conditions set forth in above Paragraph 1, supra. If Debtor fails to cure the Petition balance with till interest rate within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtor, Counsel for Debtor and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. §362(a) and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.

3. In the event Debtor converts to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay Petition balance with till interest rate, fees, and charges due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payments in accordance with this paragraph, then Movant, through counsel, may file a Certification of Default setting forth and failure and Movant shall be granted immediate relief from the automatic stay and under the provisions of Section 362 of the Bankruptcy Code (11 U.S.C. §362) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating, and completing a sale of the motor vehicle. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.

Debtor: Joseph A. DeNola

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Caption of Order: Consent Order Modifying Stay as to Motor Vehicle

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4. The debtor waives the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

We hereby consent to the form and entry of the foregoing Order.

/s/ Susan S. Long

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